

Managing for Extinction



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Institute**

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Managing for Extinction



SHORTCOMINGS OF THE
BUREAU OF LAND MANAGEMENT'S NATIONAL
WILD HORSE AND BURRO PROGRAM



Contents

<i>1</i>	EXECUTIVE SUMMARY
<i>2</i>	INTRODUCTION
<i>3</i>	HISTORY
<i>4</i>	FORMATION OF THE BUREAU OF LAND MANAGEMENT
<i>5-8</i>	THE WILD FREE-ROAMING HORSES AND BURROS ACT AND OTHER PUBLIC LANDS LEGISLATION
<i>6</i>	WILD HORSE ANNIE
<i>10</i>	THE BLM'S FAILURE TO COMPLY WITH THE NATIONAL ENVIRONMENTAL POLICY ACT
<i>11</i>	THE BLM'S FAILURE TO FULLY DISCLOSE PUBLIC INFORMATION
<i>12-13</i>	FORAGE ALLOCATION AND APPROPRIATE MANAGEMENT LEVELS
<i>14-15</i>	WELFARE COWBOYS TO CORPORATE COWBOYS
<i>16-17</i>	CONCERNS ABOUT THE BLM'S "ADOPT A WILD HORSE OR BURRO PROGRAM"
<i>18-19</i>	WILD HORSES SENT TO SLAUGHTER
<i>20</i>	RECENT CHANGE TO THE ACT THREATENS WELFARE OF WILD HORSES AND BURROS
<i>22</i>	THE BLM'S FUTURE PLANS THREATEN AMERICA'S WILD HORSES AND BURROS
<i>23-25</i>	MANAGING FOR EXTINCTION
<i>26-27</i>	CONCLUSIONS AND RECOMMENDATIONS
<i>29-30</i>	APPENDIX

Glossary

AML: Appropriate Management Level
AUM: Animal Unit Month
BLM: Bureau of Land Management
EA: Environmental Assessment

EIS: Environmental Impact Statement
FLPMA: Federal Land Policy and Management Act
FY: Fiscal Year
HA: Herd Area

HMA: Herd Management Area
NEPA: National Environmental Policy Act
PRIA: Public Rangelands Improvement Act
WFHBA: Wild Free-Roaming Horses and Burros Act

This book is dedicated to the wild and magnificent horses whose lives were extinguished callously behind slaughterhouse doors due to the action of one man—former Senator Conrad Burns. His shameful disregard for both the welfare of our nation's wild horses and burros and the will of the American public must be remedied.

May the memory of these horses serve to expose the plight of their kindred spirits who are still running in the wild, and to mobilize action that ensures they will be forever protected from the brutality of slaughter. May these amazing animals roam wild and free!

“I’ve come to the conclusion that horses are unlucky creatures, and wild horses are ill fated. As lovely as they are—their wide-set eyes taking in the panoramic views of their rugged habitats; their lithe necks embellished with thick manes (so useful to toss!); their radiant, athletic bodies shiny with color—still, they are denigrated and abused, dismissed as trespassers on our public lands, and time and time again, have needed rescuing from the ill will directed toward them, animals that provide human beings with neither sport nor profit.”

—Animal Welfare Institute Scientific Advisor Hope Ryden,
America’s Last Wild Horses, rev. ed. 2005

Executive Summary

A government program biased against the very animals it is designed to protect threatens today’s wild horses and burros. Our National Wild Horse and Burro Program and related federal land management policies are so flawed that the long-term survival of these animals is in serious jeopardy, as is the health of the public lands on which they reside. Those federal agencies responsible for the implementation of the program, the Bureau of Land Management (BLM) in the US Department of the Interior and the US Forest Service (USFS) in the US Department of Agriculture, have lost sight of their legal mandate to “protect” wild horses and burros. Instead, agency officials have focused almost exclusively on accommodating livestock grazing and other commercial uses at the expense of the welfare of wild horses and burros. This report will demonstrate that:

- 1) The BLM and the USFS do not comply with laws and regulations governing the management of public lands and the protection of America’s wild horses and burros;
- 2) The BLM and the USFS National Wild Horse and Burro Programs and related public lands management policies strongly favor private livestock and other commercial interests to the detriment of wild horses and burros, as well as the health of the land;
- 3) The agencies’ claims regarding the size of wild horse and burro populations in the wild today and estimated rates of increase are questionable;
- 4) The “Appropriate Management Levels” (the number of wild horses and burros deemed suitable by the BLM and USFS to live on the range) are arbitrary;



- 5) The agencies’ mismanagement of the wild horse and burro program wastes millions of tax dollars each year; and
- 6) Their strategy for the future management of wild horses and burros is scientifically reckless, economically unsound and ethically unjustifiable.

This report describes the history and politics of the controversial and deeply interwoven issues of wild horse and burro management and taxpayer-subsidized livestock grazing on public lands. It offers a new vision of how to better address these often-conflicting interests

for the long-term benefit of wild horses and burros, the public lands on which they reside, and for all Americans who cherish these iconic animals.

Note: Although responsibility for the protection of wild horses and burros falls under the jurisdiction of both the BLM and the USFS, this report will focus primarily on the BLM for two reasons: first, the vast majority of wild horses and burros reside on BLM lands; and second, the USFS typically follows the lead of the BLM in developing management strategies.

Introduction

“...[W]ild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West... It is the policy of Congress that [they] shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.”

These are the words the US Congress used to describe America’s wild horses and burros in the preamble of the Wild Free-Roaming Horses and Burros Act of 1971 (WFHBA). Although the WFHBA was supported overwhelmingly by the public and passed unanimously by Congress, these majestic animals have not always been regarded so highly. Earlier in the 20th century, hundreds of thousands of wild horses and burros were slaughtered to make room for livestock on the Western frontier.

This “livestock vs. wild horse and burro” battle continues into the present. While the current rate of removal of these wild animals is a far cry from the wholesale and grisly slaughter that occurred during the early 20th century, the welfare and continued survival of America’s wild horses and burros are threatened by a government program that systematically favors the interests of private ranching and livestock over those of wild horses and burros.

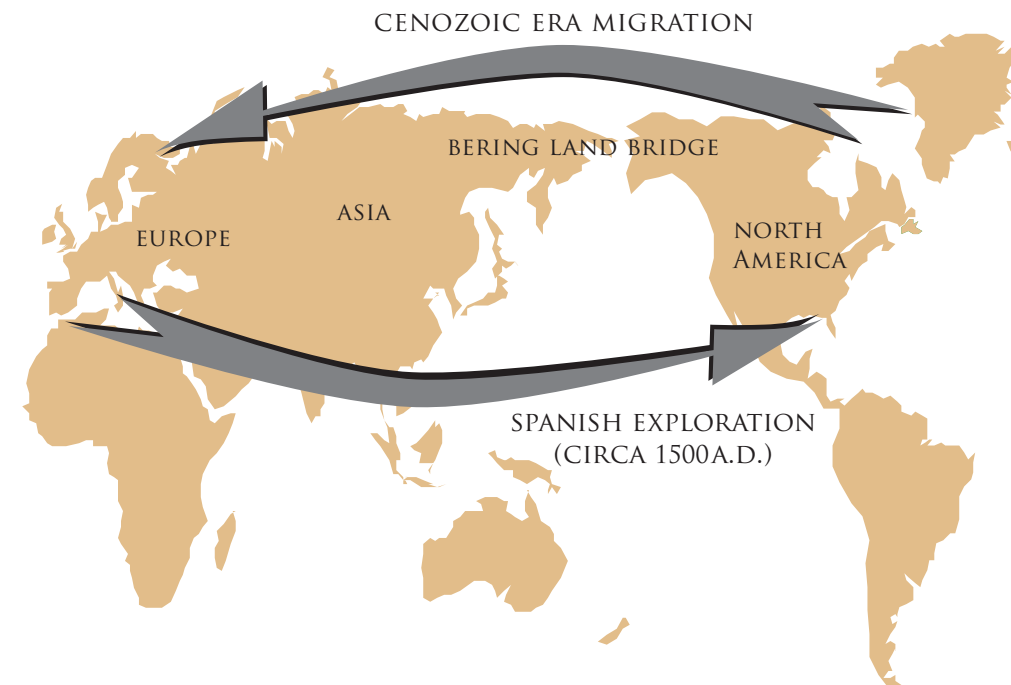
The BLM National Wild Horse and Burro Program and broader public land management policies are fundamentally flawed and not in the best interest of the American people, the public lands, or the very animals the agency is charged with protecting. The BLM’s preferential treatment of livestock grazing and other commercial uses has resulted in the degradation of public lands, as well as massive and unjustifiable removals of wild horses and burros from their home ranges. American taxpayers and the animals in question have paid a heavy price. To remedy the situation, the BLM must be willing to conduct a truly candid review of its program and implement new approaches that conform to the law, are scientifically sound, and respect the historical, cultural and inherent values of our nation’s wild horses and burros.

This report will focus on the BLM as the government agency mandated with protecting the vast majority of America’s wild horses and burros. However, as previously noted, it also applies to the USFS, which is responsible for managing and protecting a much smaller number of wild horses and burros on lands under its jurisdiction. Finally, it will include specific recommendations on how our government might better protect and manage America’s remaining wild horses and burros so their survival is ensured for both their intrinsic value and the enjoyment and appreciation of future generations.



History

Today’s wild horses are descendants of escaped or abandoned horses reintroduced to North America by Spanish conquistadors and settlers. Recent fossil evidence proves horses evolved in North America to a finished form—an animal essentially like the wild horses of today. It is generally believed that they died out recently (in geologic time), approximately 10,000 years ago. In the course of their evolution on the continent, some animals migrated across the Bering land bridge into Asia, only to return home 500 years ago on the ships of Spanish explorers and soldiers. Yet, today’s wild horses are erroneously regarded by the government as a non-native species (see www.saplonline.org/wild_horses_native.htm). In the 1800s, there were more than two million wild horses roaming Western states. Tens of millions of bison also shared the land, along with numerous other wildlife species. During the 1850s and 1860s, livestock production became a booming business, and indigenous grazing animals, predator species and the Native Americans who depended on them were either displaced or exterminated to make way for domestic cattle and sheep. By 1884, the cattle population in Western states peaked at an estimated 35 to 40 million. Nearly 700 million acres of grassland west of the Mississippi River were depleted or destroyed by overgrazing.



“The wild horse may in fact be an exotic species in Australia, New Zealand, and a few other locations around the world, but it is certainly not so in North America. Horses evolved on this continent only to later disappear, possibly at the hand of man. After what can only be viewed as seconds on the hands of evolution’s clock, the horse was returned by the same hand to resume its place among the same animals and plants with which it had evolved. To label the North American wild horse as an exotic ignores the facts of time and evolutionary history.”

—*Into the Wind* by Dr. Jay F. Kirkpatrick, 1994

Formation of the Bureau of Land Management

Taxpayer-subsidized ranching on public lands began in 1905 under the Roosevelt Administration. In 1934, the Taylor Grazing Act was passed by Congress, and the Division of Grazing was formed and placed under the Department of the Interior. The Division was under the political control of elite livestock producers who maintained obscenely low grazing fees and an intentionally weak agency.

The US Grazing Service superseded the Division of Grazing in 1939, and in 1946, the BLM was formed by combining the Grazing Service and the General Land Office. The practice of permitting private ranchers to graze livestock on public lands at highly subsidized rates continued throughout these transitions.

As more room was needed for livestock, hundreds of thousands of wild horses and burros were captured and removed from the range using brutal techniques, slaughtered, and then rendered into dog food or chicken feed. Such acts were not only legal at the time, but were sanctioned or even undertaken by the government. This unregulated exploitation and mass destruction of wild horses and burros constituted the Grazing Service policy (and later that of the BLM) for nearly 30 years. Both the mass removal of wild horses and burros to accommodate privately owned livestock and the practice of taxpayer-subsidized ranching continue today on most federal lands, including those administered by the BLM.



“Propped up by more than \$100 million last year in taxpayer subsidies, a small number of ranchers continues a practice that began in the Wild West 150 years ago...Who benefits? Mostly the rich. The Mercury News reviewed more than 26,000 federal billing records and found corporations, millionaires and ‘Rolex’ ranchers dominating the public range.”

—“Cash Cows” by Paul Rogers and Jennifer LaFleur,
San Jose Mercury News, November 7, 1999

The Wild Free-Roaming Horses and Burros Act and Other Public Lands Legislation

The Wild Free-Roaming Horses and Burros Act (WFHBA) was passed in 1971. The WFHBA declares that, “wild horses and burros are living symbols of the historic and pioneer spirit of the West; they contribute to the diversity of life forms within the nation and enrich the lives of the American people” [emphases added]. It further states that, “wild free-roaming horses and burros shall be protected from capture, branding, harassment or death; and they are to be considered in the area where presently found [i.e., in 1971] as an integral part of the natural system of the public lands” [emphasis added]. The WFHBA provides for criminal penalties of up to \$2,000 and/or a year in jail for those convicted of a violation of the law. Penalties increased under the Sentencing Reform Act of 1984, as amended. Today, violation of the WFHBA is a Class A misdemeanor, and fines can run up to \$100,000 for each offense.

The BLM is required to manage wild horses and burros “in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands ... [and] all management activities shall be at the minimal feasible level.”

The WFHBA recognizes the importance of maintaining and protecting ranges where wild horses and burros may roam. It defines a range as, “the amount of land necessary to sustain an existing herd or herds of wild free roaming horses and burros ... and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands.”

These legally protected areas are known as “herd areas” (HAs). By regulation, the BLM defines an HA as, “the geographical area identified as having been used by a herd as its habitat in 1971.” However, in the process of drawing HA boundaries, the BLM did not always realize or consider the seasonal migratory patterns of wild horses and burros, thus depriving the animals’ of critical habitat needs. To make matters worse, wild horses and burros have not even received the protections to which they are legally entitled in many of the originally designated HAs. Instead, the BLM has systematically created “herd management areas” (HMAs)—parcels of land where it chooses to manage wild horses and burros based on factors such as convenience or lack of competition with livestock grazing or other commercial uses. In most instances, HMAs are smaller subsets of HAs.

For example, according to a December 2005 Congressional Research Service report, 317 HAs were initially identified, encompassing 53,349,826 acres.



Wild Horse Annie

Were it not for the heroic and courageous efforts of Velma Johnston, a.k.a. “Wild Horse Annie,” there might be no wild horses today. After happening upon a truck of bloodied wild horses destined for slaughter in 1950, Johnston, a secretary in Nevada, began lobbying Congress to protect these animals.

In 1959, Congress passed the “Wild Horse Annie Act,” prohibiting the use of aircraft and motor vehicles to capture wild horses on federal lands. Yet it was only in 1971 when the Wild Free-Roaming Horses and Burros Act was signed into law that America’s wild horses and burros were finally given legal protection from capture, harassment, branding and death.

By some accounts, there were as many as two million wild horses when Johnston began her crusade in 1950. By the time the 1971 Act was passed, as few as 10,000 may have been left.

Congressional records indicate that Wild Horse Annie’s campaign in the late 1960s generated more mail to Congress than any other issue, save the Vietnam War, at the time.



In 2006, the BLM managed wild horses and burros in only 199 HMAs, encompassing 34,407,035 acres. Since passage of the WFHBA, wild horses and burros have been totally removed from nearly 20 million acres, more than half of which were under BLM jurisdiction. This acreage does not include USFS lands, where wild horses and burros have lost additional habitat. The BLM routinely rounds-up and permanently removes wild horses and burros who have wandered outside of HMA boundaries, despite the fact that the animals may actually be within their historic and legally protected range.

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), which amended the WFHBA and affected how the BLM administers public lands under its jurisdiction. The FLPMA requires the development of comprehensive land use plans, which reflect the principles of sustained yield and “multiple-use.” Multiple-use mandates that public lands be managed “so that they are utilized in the combination that will best meet the present and future needs of the American people.” The federal government is not required to allow all uses on all lands, nor is it mandated to preserve an existing use or level of a particular use based upon economic considerations. The BLM should not permit livestock use or the level of use in areas where its ecological and economic costs outweigh its benefits. In doing so, the agency fails to account for “the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, watershed, wildlife and fish, and natural scenic, scientific and historical values” as is mandated by law.

Nothing could be a better illustration of the agency’s abdication of its responsibility



than how it has managed wild horse and burro HAs over the years. Today, livestock grazing is allowed in virtually all wild horse and burro HAs, regardless of adverse impacts on the well-being of the animals. Moreover, the BLM has totally removed numerous herds of wild horses and burros and has set population targets so low in other herds that the survival of these animals is seriously threatened—all to accommodate private livestock and other commercial interests. As a result, the BLM’s “multiple-use” mandate has come to mean multiple livestock use.

The Public Rangelands Improvement Act (PRIA), a 1978 amendment to the WFHBA, requires the BLM to maintain a current inventory of wild horses and burros and to “determine appropriate management levels (AMLs),” i.e., the number of wild horses and burros which the range can sustain. In direct contravention of PRIA, the BLM has failed to maintain current

inventories of wild horses and burros. Furthermore, though AMLs were not meant to be static, but rather to fluctuate based upon various factors (e.g., range condition or range use), the BLM rarely adjusts AMLs. Moreover, the BLM relies on population targets set in outdated land use plans—the development of which was dominated by local livestock interests in the first place.

In addition to its flawed “population targets,” the BLM’s wild horse and burro population “guesstimates” have proven incorrect repeatedly. A cursory review of yearly gather schedules indicates that the numbers of animals the BLM often plans to remove is significantly greater than the numbers the agency actually removes. While there may be many reasons for such discrepancies, the most troubling is the fact that the agency has for years managed wild horses and burros without reliable census data, and has only begun, with the assistance

“From an estimated population of 14,000 in 1974 to an estimated AML of 2,750 in 2005, there will be an 80 percent reduction in the wild burro population...Wild burro habitat has been reduced by 45 percent.”

—“A Strategy to Achieve and Manage Wild Burros at Appropriate Management Levels,” BLM, June 2000

of scientists from the US Geological Survey Biological Resources Discipline (USGS/BRD) and Colorado State University, to identify allegedly more accurate techniques for counting wild horses and burros. This new counting technique was used on the Adobe Town–Salt Wells Creek wild horse herd complex in Wyoming in 2006, resulting in a determination that the horse population was 2.5 times larger than the BLM’s count of the population *after* a removal operation just one year earlier. This discrepancy served as the basis to conduct the subsequent removal in 2006. Understandably, the validity and accuracy of this new technique remains highly suspect. The BLM has never adequately explained nor solicited public comment on the technique or its decision to use it.

There is ample reason to be concerned about the validity of this new counting methodology. Indeed, not only does the USGS/BRD website incorrectly refer to wild



horses as “feral livestock,” but it claims that the BLM manages 171 wild horse and 51 wild burro populations on more than 88 million acres of public land when the BLM’s own data indicates that the agency is responsible for 199 HMAs on approximately 34.5 million acres of land. Such conflicting information is not unusual. A significant amount of information provided to the public by the BLM is replete with ambiguities and contradictions. The lack of consistent and reliable data is just one example of the host of problems inherent in the program.

The PRIA further authorizes the BLM to remove “excess” horses in order to achieve “a thriving natural ecological balance” and “multiple-use relationship” on the public lands, and it sanctions the destruction of healthy animals for whom no adoption demand exists. Until recently, a rider prohibiting the destruction of healthy wild horses and burros had been attached

to the annual Interior Appropriations bill, preventing the mass destruction of tens of thousands of healthy wild horses and burros each year. That changed in 2004, when an ill-conceived rider was quietly attached to the WFHBA by Senator Conrad Burns (R-MT), allowing wild horses and burros to once again be cruelly slaughtered.

Although the WFHBA states that wild horse and burro ranges are to be managed “principally but not exclusively” for wild horses and burros, these amendments and the BLM’s close ties to the ranching and livestock industries have resulted in the unwarranted removal of wild horses and burros from areas where they are legally protected and where they should be given legal preference over domestic livestock.


Further, wild horses and burros’ free-roaming status has been seriously compromised by the construction of fences and gates crisscrossing public lands often

at taxpayer expense. These fences create pastures for rancher convenience, but also effectively impede the movement of wild horses and burros, thereby preventing them from accessing habitat to which they are entitled and which contain resources required for their very survival. Even the BLM’s policy manual acknowledges the gravity of this fencing problem. However, rather than resolving the problem by removing fences that fragment wild horse and burro HAS, agency officials simply elect to manage wild horses and burros within the boundaries of fenced livestock grazing allotments.

Wild horses and burros have become the BLM’s scapegoats for virtually all range deterioration, despite the fact that independent as well as the BLM’s own data show that the majority of rangeland deterioration is caused by livestock. Not only do cattle and sheep vastly outnumber wild horses and burros on our public lands, but unlike wild horses and burros, they tend to congregate around vulnerable riparian areas causing serious habitat degradation.

Despite the BLM’s claims to the contrary, there are not too many wild horses and burros on public lands; there are too few. To put the issue in perspective, wild horses and burros today have been reduced to 1 percent of their population at the turn of the 20th century. While millions of cows and sheep graze on public lands, the BLM, capitulating to the political pressure of the livestock industry, set the *upper* population target for wild horses and burros at a paltry 25,186 and 2,970 respectively. In 2001, the agency began removing wild horses and burros at an alarming rate and at enormous taxpayer expense in an effort to meet this goal. As a result, today there are as many, if not more, wild horses and burros in holding facilities as there are in the wild.





The BLM's Failure to Comply with the National Environmental Policy Act

The BLM must also comply with the National Environmental Policy Act (NEPA), which requires federal agencies to evaluate the environmental impacts of their actions before any implementation thereof. The BLM's wild horse and burro management actions are subject to the NEPA process.

The NEPA requires the BLM to prepare an environmental impact statement (EIS) or, at the very least, an environmental assessment (EA) for public review and comment, prior to most agency actions. The EIS or EA must include information on the purpose and need for the proposed action, a description of the affected environment, an evaluation of a reasonable range of alternatives (including a "no action" alternative), and an analysis of the environmental impacts of these alternatives. However, many of the BLM's NEPA documents fail to analyze a reasonable range of alternatives and to provide critical information necessary for the public to assess the validity of the proposed action and to understand its environmental impacts, thereby hindering the public's ability to offer informed and substantive comment. Often, much of the information relied on by the BLM is unsubstantiated and conclusory.

Particularly alarming is the fact that the BLM continues to rely on outdated and deficient documents to support management actions. It also routinely fails to rigorously explore a range of reasonable alternatives to various agency actions, including, but not limited to:

- Adjustment of AMLs based on current inventorying and monitoring of rangeland health;
- Adjustment of livestock permits as provided for in existing regulations;
- Closure of wild horse and burro ranges to livestock grazing;
- Transfer of wild horses and burros to areas where they previously existed but from which they were completely removed or "zeroed out;"
- Analysis of the feasibility of ways to access essential wild horse and burro habitat needs through private lands acquisition, land exchanges or cooperative agreements with owners of contiguous or intermingled private lands;
- Analysis of the use of fertility control;
- Protection of predators in wild horse and burro HAs to allow natural controls to operate as provided for in the WFHBA;
- Analysis of returning animals, particularly older animals and geldings, to the wild rather than warehousing them in privately-owned sanctuaries; and
- Designation of specific ranges on public lands as sanctuaries for wild horse and burro protection and preservation as provided for in the WFHBA.

All too often, the BLM ignores these alternatives, claiming that specific actions, such as round-ups, are necessary to conform with existing land use plans—many of which are dated and were developed without sufficient public involvement.



The BLM's Failure to Fully Disclose Public Information

The BLM's National Wild Horse and Burro Program is fragmented, with two national offices (one in Washington, D.C. and the other in Reno, Nev.), 10 state offices and numerous regional and field offices, making public access to information and documents problematic. A cursory review of the BLM's NEPA documents shows the BLM frequently invites the public to visit remote field offices during normal business hours to review documents containing the information needed for the public to offer substantive and informed comment on agency proposals—an unreasonable expectation by any stretch of the imagination.

Further, when documents are available, they are often deficient and contain conflicting information. Requests for information submitted under the Freedom of Information Act routinely go unanswered for many months, leaving wild horse and burro advocates little recourse than to seek relief through the courts. The BLM's failure to provide accurate information in a timely manner is at the heart of many of the National Wild Horse and Burro Program's deficiencies. Lack of full public participation in a program designed to protect one of America's "heritage species" means that the fate of these animals is being determined by a select group of influential individuals and special interest organizations.

Moreover, a lack of internal communication has resulted in relatively little uniformity in program practices and

low staff morale. Recommendations from specialists in the field are often discounted or ignored by administrators. Over the last few years, several well-intentioned BLM employees have left the wild horse and burro program out of sheer frustration. A recently retired senior wild horse and burro specialist had spent years completing a comprehensive handbook that addressed a host of issues pertaining to protecting and managing horses and burros in the wild. The handbook, which was intended to provide management direction with regard to practices such as censusing, fertility control, population modeling and much more, gathers dust as wild horses and burros die.

Costly efforts to improve the program sit in draft form in administrators' offices doing nothing to benefit wild horses and burros. A task force representing a full complement of interests (including wild horse and burro advocates, ranchers, wildlife enthusiasts, environmentalists and veterinarians) worked with the BLM for months to update its antiquated "Strategic Plan for the Management of Wild Horses and Burros" in the late 1990s. Despite the fact that the plan received broad public support and was approved by the National Wild Horse and Burro Advisory Board, it never received final approval by the BLM Director and the US Department of Interior Secretary, and thus its many constructive recommendations were never implemented.

Forage Allocation and Appropriate Management Levels



At the heart of the debate on how best to manage the public lands is the issue of resource allocation. Because the land can only endure so much use, the BLM must guard against overuse and degradation of the range. This should be achieved by determining the carrying capacity of the range and then permitting limited use by various and often-competing interests, including livestock, wild horses and burros, other wildlife, recreational users, and extractive industries such as timber and oil and gas. However, under this “multiple-use” management concept, wild horses and burros consistently lose out in violation of federal law.

Typically, wild horse and burro AMLs are calculated based on resource availability *after* existing livestock use and state wildlife population objectives are considered. The BLM repeatedly ignores its regulatory mandate that wild horses and burros shall be considered *comparably* with other resource values in the formulation of land use plans. Judging from most BLM land use plans, wild horses and burros are an afterthought in the process. Furthermore, contrary to legal mandates, wild horses are often managed inside livestock grazing allotments rather than in herd areas. In Nevada, for example, wild horse AMLs are established for each

“BLM could not provide us with data to demonstrate where wild horse removals have materially improved the specific areas from which they have been removed.”

—“Rangeland Management: Improvements Needed in Federal Wild Horse Program,” General Accounting Office, August 1990

grazing allotment within an HA or HMA, underscoring the fact that the animals often do not have free range within their legally designated herd areas.

An Animal Unit Month (AUM) is the amount of forage needed to sustain an “animal unit” on the range for one month. An “animal unit” is defined as a mature cow or her equivalent. Although there is no official policy, the BLM generally considers one AUM equal to one cow *and* one calf or one wild horse or burro (adult *or* foal).

The Congressional Research Services reported that in FY 2005, forage consumed by livestock on BLM lands totaled 6,835,458

“The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of “zoolike” developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve.”

—Senate Report by the Interior and Insular Affairs Committee, June 25, 1971

AUMs, while wild horses and burros consumed a mere 381,120. On USFS lands, livestock consumed 6.6 million AUMs, yet wild horses and burros ate only 32,592. The disparity in forage allocation is further underscored when one understands that livestock consume that much forage despite only being on the range for a few months each year. In addition they are far less mobile, and therefore graze in much higher concentrations. Further, the cattle tend to graze in proximity to more biologically diverse riparian areas. Hence, by virtue of their numbers, density and behavior, as well as the timing of the grazing schedule, livestock impacts on the range are dramatically greater than those of wild horses and burros.

Moreover, if livestock utilize vegetation important to the nutrition of wild horses and burros and other wildlife species, these animals may be forced to go into the winter in poor condition. Yet, the BLM routinely appeals to humane considerations for animal welfare as an excuse to remove even more wild horses and burros, never revealing or conceding that its own management policies may actually contribute to the poor condition of wild horses and burros on the range. Similarly, the BLM has justified wild horse and burro removals based on humane

concerns associated with drought conditions, failing to concede that water resources may be available to the animals but inaccessible because of livestock fencing or because the biotic needs of the animals were not adequately considered when HA boundaries were originally drawn. Remarkably, in response to such concerns, the BLM has rarely used its management authority to close areas to livestock grazing to provide habitat, access to water and/or protection for the public’s wild horses and burros. Instead, it has systematically removed these animals to provide access to more forage for private domestic livestock.

The BLM is now working to further reduce wild horse and burro populations to dangerously low levels to facilitate continued livestock grazing. Though the BLM claims that it is concurrently reducing livestock numbers, in many cases it is only removing “paper cows” from the range as a 1996 BLM report explains:

“AUMs reduced from a permit that do not result in removing actual livestock from the range are often referred to as ‘paper AUMs’ or ‘paper cows’.... For example, if the [authorized use] was for 1,000 AUMs and the...actual use was 800 AUMs, there would be 200 ‘paper AUMs’. In most situations,

when the number of wild horses and livestock need to be reduced to achieve the sustainable carrying capacity, a specific number of actual wild horses are removed, while ‘paper AUMs’ of livestock use are first removed before there are any reductions in the actual number of livestock.” (*Report of the Review Team on Forage Allocations for Wild Horses and Livestock*, Bureau of Land Management, 1996).

As the aforementioned report succinctly states, “... the ultimate decision on the balance between wild horses and livestock is a social and political one based on public perceptions and values.” In other words, the decision as to how many wild horses and burros should live on the range is often an arbitrary one that consistently dismisses the animals’ historical, cultural and ecological significance. Even when actual livestock use is reduced, the numbers reveal the flagrant bias in agency decision-making. Despite the fact that the West has been experiencing a severe drought cycle during the last several years, and cows and sheep consume immensely more forage on public lands than wild horses and burros, between 2002 and 2005, the BLM reduced AUMs for wild horses by 17 percent, but for livestock, by only 4 percent.

Welfare Cowboys to Corporate Cowboys

The practice of taxpayer-subsidized grazing on federal lands is long-standing, and it has led to the phrase “welfare cowboy.” The initial grazing fee in 1905 was 5 cents per AUM. Fees have increased over the years, but much more slowly than the rate of inflation. In 1980, grazing fees peaked at \$2.36 per AUM. In 1986, President Reagan signed an executive order mandating that the fee could not fall below \$1.35, thereby setting the stage for the fee to be lowered.

Subsequent efforts by Members of Congress and various administrations to raise grazing fees to reflect their true value have resulted in temporary successes, at best. For example, in 1999, the BLM announced that the fee would remain at \$1.35, due to falling beef prices. The fee was raised to \$1.43 a month for each cow-calf pair in 2004 and to \$1.79 in 2005, but it declined to \$1.35 in 2007. Between 1980 and 2004, the fee dropped 40 percent, even as fees on private land increased 78 percent. Today, ranchers using private land pay an average of \$13.30 a month. Hence, public lands ranchers are paying 98.5 percent below the market rate.

Taxpayer-subsidized grazing has cost Americans hundreds of millions of dollars over the years. In September 2005, the Government Accountability Office reported that the government lost a minimum of \$123 million on the livestock-grazing program, with 10 federal agencies spending at least \$144 million and collecting only \$21 million in grazing fees in return. The BLM and the USFS manage more than 98 percent of the lands used for grazing, and the two agencies lost almost \$115 million on this program in FY 2004 alone. The GAO concluded that if

the BLM and the USFS wanted merely to recover expenditures, the agencies would have had to charge \$7.64 and \$12.26 per AUM, respectively. Establishing fair market value would of course require investigating market prices at any given time, but based upon the foregoing evidence, it is obvious that the fees would be significantly higher.

In 2002, the Center for Biological Diversity issued an economic analysis entitled *Assessing the Full Cost of the Federal Grazing Program*, which revealed the discrepancy between costs and revenues in the federal grazing program and attempted to estimate the costs incurred through ecological damage. This report estimated the true cost of public lands ranching to taxpayers and to the environment was closer to \$500 million annually.

In addition to the hundreds of millions of dollars lost by its public grazing program, the government spends millions of tax dollars annually on lethal predator control (such as the killing of bears, mountain lions, wolves or coyotes) on federal lands, primarily to benefit private ranching operations. Ironically, whether large predators are killed by government agents or by hunters, their loss eliminates the very animals that can help to naturally control wild horse and burro populations. A vivid illustration of natural predation at work is in the Pryor Mountain Wild Horse Range in southern Montana, where, in the past few years, the wild horse population was not only kept in check, but also reduced through mountain lion predation. However, recent removals of mountain lions from the area by sport hunters has resulted in an apparent correlative

increase in the wild horse population. Not only do taxpayers pay for government agents to kill wildlife on our public lands for private ranchers who pay a pittance for grazing fees, but these same ranchers profit from low property taxes and open range laws, and they use public lands permits as collateral to obtain bank loans. The federal government also subsidizes the cost of fence construction to accommodate livestock producers. Of course, these expenses are in addition but interrelated to the removal of thousands of our nation’s wild horses and burros to eliminate competition with livestock for valuable forage.

Today, there are 22,000 public lands ranchers on 13 Western states, including Washington, North and South Dakota—three states in which no federally protected wild horses or burros currently reside. Only about 15 percent of Western livestock ranchers

hold public lands grazing permits. While it is undeniable that grazing on public lands is integral to the livelihood of a small percentage of ranchers, less than 3 percent of American beef is produced from federal rangelands. Moreover, livestock grazing on federal lands contributes less than 1 percent to annual incomes in Western states. Further, many permit holders are large agribusiness corporations and not small family ranchers who will go bankrupt if their grazing rights are reduced or rescinded.

According to the *San Jose Mercury News*, which ran an in-depth piece in 1999 on livestock grazing on BLM lands, “The top 10 percent of grazing-permit holders control a striking 65 percent of all livestock on Bureau property.” The largest livestock operator on BLM lands is John Simplot, who is listed on the Forbes 400 list and supplies half the French fries to McDonald’s restaurants in

this country. Other permit holders include the Hilton Family Trust, which owns the Hilton hotel chain, brewery giant Anheuser-Busch, Inc. and the Agri Beef Company—hence the term “corporate cowboys.” The majority of taxpayer subsidies go directly into the pockets of large corporations and millionaires, not small family ranchers.

Strictly from a public policy perspective, it makes little financial sense to dole out welfare to these ranchers in order to facilitate livestock grazing only to turn around and spend more money to remedy the multitude of problems, ranging from habitat degradation and fragmentation to killing predators to removing wild horses and burros, that public lands ranching creates. It is analogous to subsidizing tobacco farmers, while at the same time, financing the cost of anti-smoking campaigns and research into how to treat smoking-related illnesses.



Concerns About the BLM's "Adopt a Wild Horse or Burro Program"

The Act stipulates that horse and burro roundups be subject to the availability of homes to which the animals may be adopted. However, wild horses and burros are routinely rounded up in the absence of such homes. There are presently thousands of horses and burros in BLM holding facilities awaiting adoption. Some of these animals have been in this "adoption pipeline" for years. The resultant overcrowding of animals at most facilities leads to unnecessary stress and increases the risk of disease transmission among the captive horses. In the fall of 2006, the Palomino Valley, Nev. and Litchfield, Calif. holding facilities suffered from outbreaks of strangles, a highly infectious and serious respiratory disease. During the past two years, practically every BLM facility has experienced similar disease outbreaks, leading to the confirmed deaths of scores of animals. Overcrowding at facilities results in a lack of space to adequately quarantine sick animals.

The adoption pipeline is backed up because a few years ago, the BLM adopted an ill-conceived and indefensible strategy to reduce wild horse and burro populations by half within a short span of time, doubling the numbers of animals removed each year. Up until this decision, adoptions had for the most part kept pace with removals.



"The government's continued lackadaisical attitude toward the mustangs makes it necessary for private conservation groups to constantly remain alert and follow the administration and enforcement of the law. Otherwise, the horses' traditional enemies will succeed in slowly but surely eliminating them."

—*The Politics of Extinction* by Lewis Regenstein, 1975

To compound the problem, the BLM has concomitantly failed to adequately promote adoptions of these animals, thereby creating an unacceptable backlog in the adoption pipeline. In essence, not only has the BLM managed wild horses and burros irresponsibly, but the agency has also abdicated its fiscal responsibility by attempting to placate the demands of ranchers and state agricultural officials through massive and expedited removals of wild horses and burros even though no homes for these animals are available.

The backlog of wild horses and burros in the adoption program is financially draining to the BLM and the American public. However, these costs are directly attributable to the BLM's mismanagement of the program—with practically the agency's entire budget spent on rounding up and holding wild horses and burros rather than protecting them in the wild. It is critical to realize that even with inflated costs due to the BLM's reckless management (the agency received \$36.9 million for its wild horse and burro program in FY 2006), the cost of the wild horse and burro program pales in comparison to the hundreds of millions of dollars lost through the federal livestock grazing program.

Sadly, the BLM has failed to promote its adoption program effectively or responsibly to the established horse community, the very people who would make the best adopters. The minimum asking price per animal encourages first time horse owners who are often unable to work with the animals they adopt. Some

wild horses may prove impossible for a novice to "gentle," thus they may be shuffled from one owner to another. Current practices to ensure the suitability of a potential adopter are minimal, as are follow-ups to ensure adoptions are successful and that the animal is being treated well, (i.e., ensuring that the physical and psychological needs of the animal are met.) Of even greater concern are incidences of wild horses being physically neglected or ending up at slaughter.

In order to verify that its adoption program is operating properly, the BLM should conduct a pilot study to track a group of wild horses and burros for at least five years following transfer of title to the new owners. In addition, the BLM should compile a list of individuals who have adopted and then neglected or abused wild horses in the past to ensure they are deemed ineligible to adopt ever again. People who are found to have sold horses to slaughter or whose horses wound up at slaughterhouses must be permanently barred from future adoptions.

Given the BLM's policy that allows adopters, if for any reason they cannot fulfill their responsibilities, to return animals before assuming title, there is little reason that wild horses and burros should fall victim to killer buyers. To eliminate any possibility, Congress should enact legislation prohibiting equine slaughter. In the meantime, the BLM should promulgate regulations that will mandate protection of adopted wild horses and burros from commercial exploitation for their entire lives, as was the original intention of Congress.



Wild Horses Sent to Slaughter



“It is a sad state of affairs when we have to fight to prevent the slaughter of more than 90,000 American horses a year ... after all, horses have long been an integral part of the tapestry of this country—a symbol, a faithful companion, and a treasured childhood memory. They are a part of our national identity and heritage, and in America, horses are simply not for human consumption.”

—The Honorable Nick Rahall (D-WV),
House Natural Resources Committee chairman, 2007

Under the 1971 Act anyone who adopts a wild horse or burro from the BLM must care for the animal for one year before applying for legal title to the animal. Until such title is transferred, the animal belongs to the federal government and may not be traded or sold by the adopter. In theory, this prevents individuals from adopting horses or burros for a nominal fee with the intent of selling the animals to slaughter for a quick profit. Horses are sold by the pound, and because a large, healthy wild horse can fetch as much as \$1,000, selling them for slaughter can be very profitable—especially if the adopter only paid a minimal adoption fee, as is the case with wild horses adopted from the BLM. The meat is shipped to foreign markets for human consumption.

In 1997, the Associated Press ran a series of articles detailing the illegal sale to slaughter of thousands of untitled wild horses adopted by individuals from the BLM. Earlier suspicions of mass corruption in the BLM led to a Justice Department inquiry

“The Environmental Protection Agency concluded that riparian conditions throughout the West are now the worst in American history—livestock grazing is a primary reason.”

—“Land Held Hostage” by Thomas L. Fleischner, Ph.D., in *Welfare Ranching: The Subsidized Destruction of the American West*, edited by George Wuerthner and Mollie Matteson, 2002

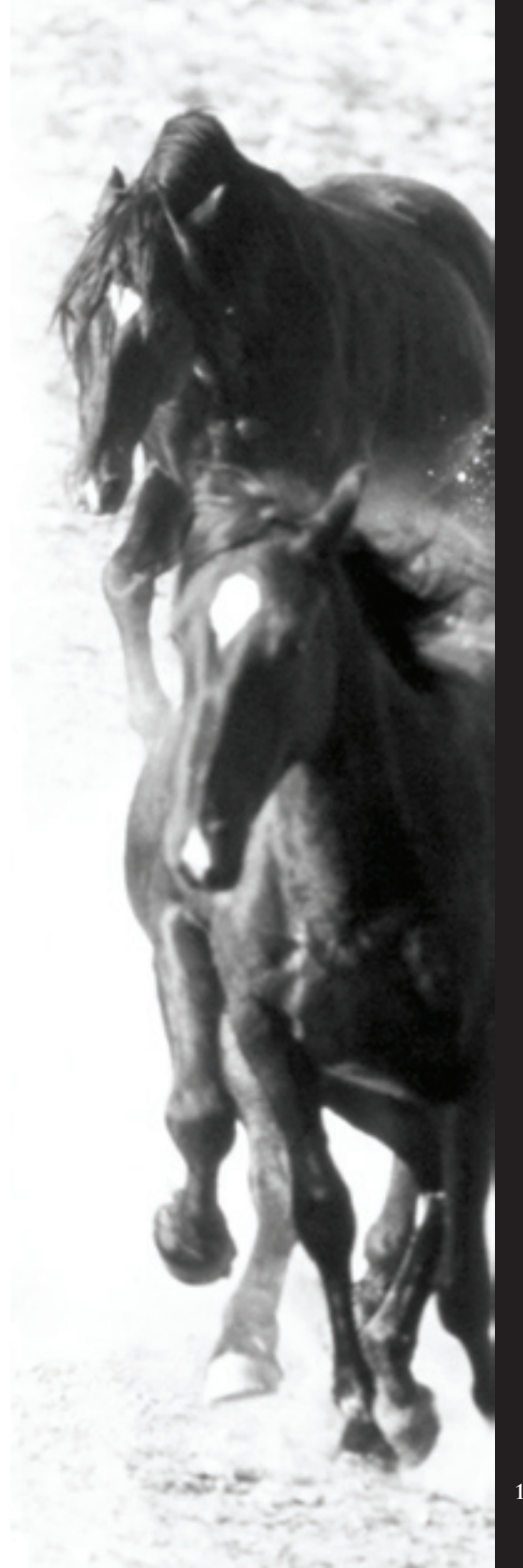
into the BLM’s practices. According to *The New York Times*, a 1996 Justice Department memorandum explained that the BLM has an unstated policy of not looking too closely at proposed adoptions. The memorandum goes on to describe how attempts by the department to prosecute violators of the WFHBA were “thwarted by bureau officials.”

This practice is particularly egregious since the original intent of Congress in passing the WFHBA unanimously was to prohibit the slaughter of wild horses both before and after title is conveyed to the animal’s new owner. Reading the legislative history of the Act substantiates this interpretation. However, in addition to its lax enforcement, the BLM’s flawed interpretation is that once the title has been given to an individual, the BLM has no recourse if the animal is sold to slaughter. Further, a recent rider to the WFHBA requiring certain animals to be sold without limitation—by the very agency charged with their protection (see the next page)—opens the floodgates for even more animals to be slaughtered for profit. It also undermines the will of the overwhelming majority of Americans.

A lawsuit brought by wild horse and burro advocates resulted in BLM efforts to tighten its adoption program which allows one person to purchase large numbers of animals supposedly for other people. The BLM also entered into a Memorandum of Understanding with the US Department of

Agriculture’s Food Safety and Inspection Service, the agency responsible for inspection of these slaughterhouses. Under this agreement, any federally protected horse who shows up at a slaughterhouse with a BLM freeze brand is not supposed to be slaughtered unless accompanied by a title of private ownership. If there is no title, the BLM is notified and the horse is returned to the agency’s possession. An adopted wild horse who is not yet titled remains the property of the federal government, and individuals trying to profit from their sale should be prosecuted to the full extent of the law.

At the time of adoption, a statement is signed under penalty of perjury, indicating the individual does not intend to sell the animal for slaughter. Despite this fact, hundreds of wild horses are sold to slaughter each year. It would be reasonable to expect the BLM to vigorously pursue prosecution of at least some of these individuals (particularly those whose horses are slaughtered within a few days, weeks or months after title transfers) who violate 18 U.S.C. Sec. 1001 for making false statements, a Class D felony punishable by up to five years in prison and a \$250,000 fine. Such prosecutions would serve as a deterrent to others who are contemplating selling wild horses to slaughter. Yet, the BLM rarely investigates or seeks prosecutions against persons making such false statements under penalty of perjury.



Recent Change to the Act Threatens Welfare of Wild Horses and Burros

Much to the shock and dismay of wild horse and burro advocates and the American public, in November 2004, the WFHBA was again changed to the serious detriment of wild horses and burros. Thwarting the very intent of the Act, Senator Conrad Burns (R-MT) stealthily attached a controversial rider to an omnibus appropriations bill that served to eliminate the prohibition on killing wild horses and burros, undermining more than 30 years of wild horse and burro protection. The BLM is now required to offer wild horses and burros 10-years-of-age and older and those not adopted after three attempts for sale without limitation. The rider, which bypassed deliberations of the full legislature due to the backdoor maneuver by Senator Burns, has resulted in animals being sold to slaughter for human consumption. Many more will undoubtedly meet this same grim fate unless the Burns' rider is repealed.

At the time of the passage of the Burns rider, approximately 20,000 wild horses and burros, nearly 10,000 of whom met the amendment's criteria, languished in holding facilities—the victims of BLM's politically driven decision to reduce wild horse and burro populations by half beginning in 2001. For years, adoptions had generally kept pace with removals. However, the agency's strategy included annually removing twice the number of animals typically adopted, thereby flooding the adoption pipeline and requiring the need for costly additional sanctuaries and long-term holding facilities. Requiring these animals to be sold is a shortsighted and inhumane means of dealing with a problem that the BLM has created by caving in to the demands of the livestock industry and its political allies. To make matters worse, many wild horse and burro populations have been reduced to such low levels during the last few years that their long-term health and viability are seriously jeopardized. One has to wonder if this was an objective of the BLM.

A decision in early 2006 by the BLM to collaborate with the Public Lands Council (PLC) underscores the degree to which the agency has lost sight of its mission to protect wild horses and burros. In a desperate attempt to deal with the large numbers of animals in holding, the BLM and the PLC sent letters to more than 15,000

grazing permittees asking them to consider purchasing older wild horses and burros for a negotiable \$10.00 fee per animal.

The PLC represents the National Cattlemen's Beef Association (NCBA), the American Sheep Industry Association and the Association of National Grasslands on public land issues affecting ranchers. The NCBA is an organization that has historically adopted resolutions and lobbied for legislation antithetical to the welfare of wild horses and burros. For example, in 2003, a year in advance of the Burns' amendment to the WFHBA, the NCBA resolved to support legislation that provided for the authorization for sale and immediate title transfer or disposal of unadopted horses and burros. The same resolution astonishingly called for a reopening of a period to allow ranchers to claim as their own horses and burros not previously removed from federal and private lands—more than 30 years after passage of the WFHBA. In addition, the NCBA's resolution demanded a finding that permit owners of state water rights and related facilities are not responsible for providing water for wild horses and burros without prior agreement and unless permittees are compensated for expenses incurred. Such provisions hardly instill a sense of confidence that the welfare of wild horses is the PLC's principal concern.

The PLC represents the interests of the very individuals who have for years clamored to eradicate wild horses and burros and has vehemently opposed passage of the American Horse Slaughter Prevention Act. What better way to “dispose” of unwanted wild horses and burros than to purchase them “without limitation” for \$10.00 per animal or less only to profit from their sale to killer buyers and plead ignorance to their fate?

In an effort to quell public outcry over wild horses being sent to slaughter, the BLM requires purchasers to sign an affidavit swearing that they have no intention of selling animals to slaughter. However, the agency has a record of ignoring violators, and it is questionable, with the Burns rider language, whether such a requirement is legally enforceable—given the legally ambiguous term “intention.”



The BLM's Future Plans Threaten America's Wild Horses and Burros

The BLM remains under immense pressure from the ranching and livestock industries to further reduce wild horse and burro populations and the habitat acreage upon which they survive. Failure by the BLM to act often results in complaints from disgruntled grazing permittees who lease land from the agency at a below-market rate.

The BLM has also come under fire on Capitol Hill by Congressional allies of the livestock industry who want to transfer responsibility for the management of America's wild horses and burros from the federal government to the states in which the animals reside. The historical and contemporary record speaks for itself. Allowing state authorities to assume management of wild horses and burros would spell doom for these magnificent animals. Wyoming, the state with the second largest population of wild horses in the nation, recently sued the BLM, demanding that the agency reduce the populations of wild horses in the state to the politically established AML of a mere 3,725 animals on almost 5 million acres. In fact, politics is the driving force behind the BLM's astonishing decision to manage for just a few thousand wild horses and burros while permitting millions of cows and sheep to degrade public lands.

Further, the BLM dismisses its legal mandate to only round up horses for whom the Secretary of Interior "determines an adoption demand exists by qualified individuals" and who are truly "excess." Instead, the agency has repeatedly failed to demonstrate that the animals being removed are "excess" and ignored the thousands of animals languishing in holding facilities.

States with Wild Horses and Burros	Number of Herd Management Areas (HMA)	AMLs set at less than 150
Arizona	7	2
California	22	19
Colorado	4	1
Idaho	6	5
Montana	1	1
Nevada	102	67
New Mexico	2	2
Oregon	18	8
Utah	21	17
Wyoming	16	8
Totals	199	130

"...despite Congressional direction, BLM's decisions on how many wild horses to remove from federal rangelands have not been based on direct evidence that existing wild populations exceed what the range can support."

—"Rangeland Management Improvements Needed in Federal Wild Horse Program," General Accounting Office, 1990

Managing for Extinction

Recent scientific evidence suggests that most of America's wild horse and burro herds are not genetically viable, and the eventual extinction of most wild horse and burro populations is likely. The BLM's plan to reduce the wild horse and burro population to just over 28,000 animals only compounds this problem. The question then arises: can we save the remaining wild herds before it is too late?

In the past decade, tremendous strides have been made in genetics research through DNA analysis. Research conducted on wild horse populations in the American West reveals how precarious the situation is for the vast majority of wild horse and burro populations under the BLM's management.

Dr. Gus Cothran, a professor in the Department of Veterinary Integrative Biosciences of Texas A&M University and a leader in the field of equine population genetics, has been analyzing blood and hair samples from wild horses in the United States, including a long-term study of horses living on the Pryor Mountain Wild Horse Range. He suggests managing wild horses at low population levels leaves the animals vulnerable to inbreeding—the same problem plaguing endangered species around the world. Dr. Cothran's research indicates that in a closed population (where there is no

immigration of horses from adjacent populations), the minimum number of wild horses and burros needed to ensure long-term genetic viability is 150 to 200 animals, of whom it is estimated 50 will contribute their genes to the next generation. Yet, the BLM recklessly dismisses the need to maintain larger, genetically healthy herds by occasionally introducing an unrelated wild horse into a herd to ostensibly compensate for managing the herd at a size that is not genetically viable. This band-aid approach with the alleged purpose of preserving the genetic diversity of wild horse populations not only results in adverse biological impacts and a dilution in herd-specific genetically unique characteristics, but it also violates the BLM's legal mandate to manage for "self-sustaining" animal populations.

Dr. Cothran has worked in collaboration with Dr. John Gross, an ecologist with the National Park Service's Inventory and Monitoring Program. Dr. Gross analyzed five years of research data on the Pryor Mountains and created an individual-based model to simulate the dynamics of wild horse populations controlled by removal and/or immunocontraception. Dr. Gross' analysis of the Pryor model in his study, "Genetic and Demographic Consequences of Removals and Contraception on Wild Horses in





“...after years of domestication, they [wild horses] have adapted so successfully to life in the wild. If these horses are really as healthy and as sound as they appear, then there is probably a lot we can learn from them... For this reason, I have come to think of them as embodying the spirit of the “natural horse,” nature’s model of the ideal horse fitted to the rigors of survival without the need of human intervention.”

—*The Natural Horse* by Jaime Jackson, 1992

the Pryor Mountain Wild Horse Range,” suggests, “...current population sizes are inadequate to ensure long-term maintenance of existing genetic variation...” The recently deceased Dr. Francis Singer with the USGS/BRD concluded in a 2004 study titled “An Animals Location-Based Habitat Suitability Model for Bighorn Sheep and Wild Horses in Bighorn Canyon National Recreation Area and the Pryor Mountain Wild Horse Range, Montana and Wyoming,” that a minimum goal for genetic viability in the Pryor Mountain wild horses requires that at least 160 animals be present on the range.

Even the BLM staff recognizes the deficiencies apparent in their management of the Pryor horses. In a letter dated July 7, 1999, Sandra Brooks, the BLM field manager for Pryor, wrote, “... preliminary

evidence suggests that the [Pryor Mountain wild horse herd] has been managed at dangerously minimum levels over the past 25 years and an increase in established appropriate management levels will need to be considered in order to preserve the genetic viability of the herd.”

Ironically, the Pryor herd, whose AML is set at 105 including newborn foals, is larger than the majority of the herds under the BLM’s management. Other examples of herds being managed at dangerously low levels include the famed Kiger wild horse herd in Oregon with an AML of 82, the Cerbat Mountains wild horse herd in Arizona with an AML of 90, and the only two remaining BLM-managed wild horse herds in New Mexico, the Bordo Atravesado and Carracas Mesa, with AMLs of 60 and 23 respectively. The status of

wild burro herds, which are effectively being wiped out, is even more dismal. For example, of the 16 burro herds remaining in Nevada, eleven have AMLs set at less than 50 animals each. Twelve of these burro herds have considerably lower actual numbers than the population targets established in the AMLs. In 2006, the Bullfrog herd population, for instance, was 41 animals and yet the AML is set at 185. The Gold Butte herd had a population of 36 with an AML of 98. (For an overview, see the chart on page 22).

While some wild horse and burro herds are contiguous and there is the possibility for genetic exchange, many herds are isolated, and thus, the implications of the BLM’s genetic mismanagement of these herds is alarming. Others are jeopardized by fences or natural barriers preventing

genetic exchange. In some cases, the BLM has introduced horses from other herd areas to try to offset extremely low AMLs. These transfers, however, threaten to dilute the unique characteristics that herds developed over years, if not centuries, of natural selection.

Rather than manipulate the genetics with outside introductions, wild horse and burro advocates believe it is more prudent to allow populations to increase to genetically viable levels. This may require rewriting management plans, decreasing the available AUMs for livestock grazing in herd areas, expanding herd area boundaries and/or simply allowing numbers to rise naturally over time within each area in jeopardy. The BLM should be guided by the WFHBA and scientific research. Otherwise, we will lose our precious wild horses and burros forever.

The scientific evidence makes clear that the BLM is engaged in a concerted effort to manage wild horses and burros to extinction. To reverse this, the BLM must again embrace the intent of the WFHBA, stop favoring the interests of livestock producers over the interests of wild horses and burros, and allow the precautionary principle to govern its management actions. Former New Jersey Governor and then-Environmental Protection Agency Administrator Christine Todd Whitman eloquently described the need for such an approach in a speech to the National Academy of Sciences in 2001 when she stated, “policymakers need to take a precautionary approach to environmental protection We must acknowledge that uncertainty is inherent in managing natural resources, recognize it is usually easier to prevent environmental damage than to

repair it later, and shift the burden of proof away from those advocating protection toward those proposing an action that may be harmful.”

The BLM has demonstrated repeatedly that it has neither the interest nor the expertise to responsibly protect and manage the wild animals in its charge. It had been the hope of the wild horse and burro advocacy community that the re-formation of the National Wild Horse and Burro Advisory Board would provide the sorely needed expertise and oversight to chart a new direction for wild horse and burro management. Unfortunately, the Board, handpicked by the BLM to rubberstamp the agency’s bidding, is stacked with members who represent livestock and anti-wild horse and burro interests. The BLM’s refusal to recommend strong wild horse and burro advocates to serve on the Board reveals both the agency’s bias and lack of backbone. This is a program without oversight, without accountability.

Perhaps the time has come to seriously consider removing the national wild horse and burro program from an agency that never wanted to protect and manage these animals in the first place and that has failed them miserably over the years. Short of that, a new division within the BLM dedicated to the protection and preservation of wild horses and burros should be established, administered by officials who will appreciate and treat wild horses and burros as uniquely special animals in both our natural landscape and our national history.



Conclusions and Recommendations

Wild horse and burro advocates are gravely concerned the BLM is failing to fulfill its legal mandate to protect America's wild horses and burros, as well as the public lands on which these animals reside. Instead, the agency is engaging in scientifically, ecologically, economically and ethically questionable practices under the guise of multiple-use land management. The result is an unbalanced program that overwhelmingly favors the livestock industry over the environment and other wildlife, including wild horses and burros. In order to rectify this situation, the following recommendations should be implemented:

- 1) A new division should be formed within the BLM and dedicated to the protection of wild horses and burros, modeled after other federal programs for unique species or landscapes;
- 2) All agency actions affecting wild horses and burros should comply with relevant laws and regulations (such as the WFHBA or the NEPA);
- 3) Wild horses and burros for whom no prospective adoptive homes exist should not be rounded up and removed from the range;
- 4) The agency should redraw HMA boundaries to reestablish the historic ranges of America's wild horses and burros as they existed in 1971 when the WFHBA was enacted;

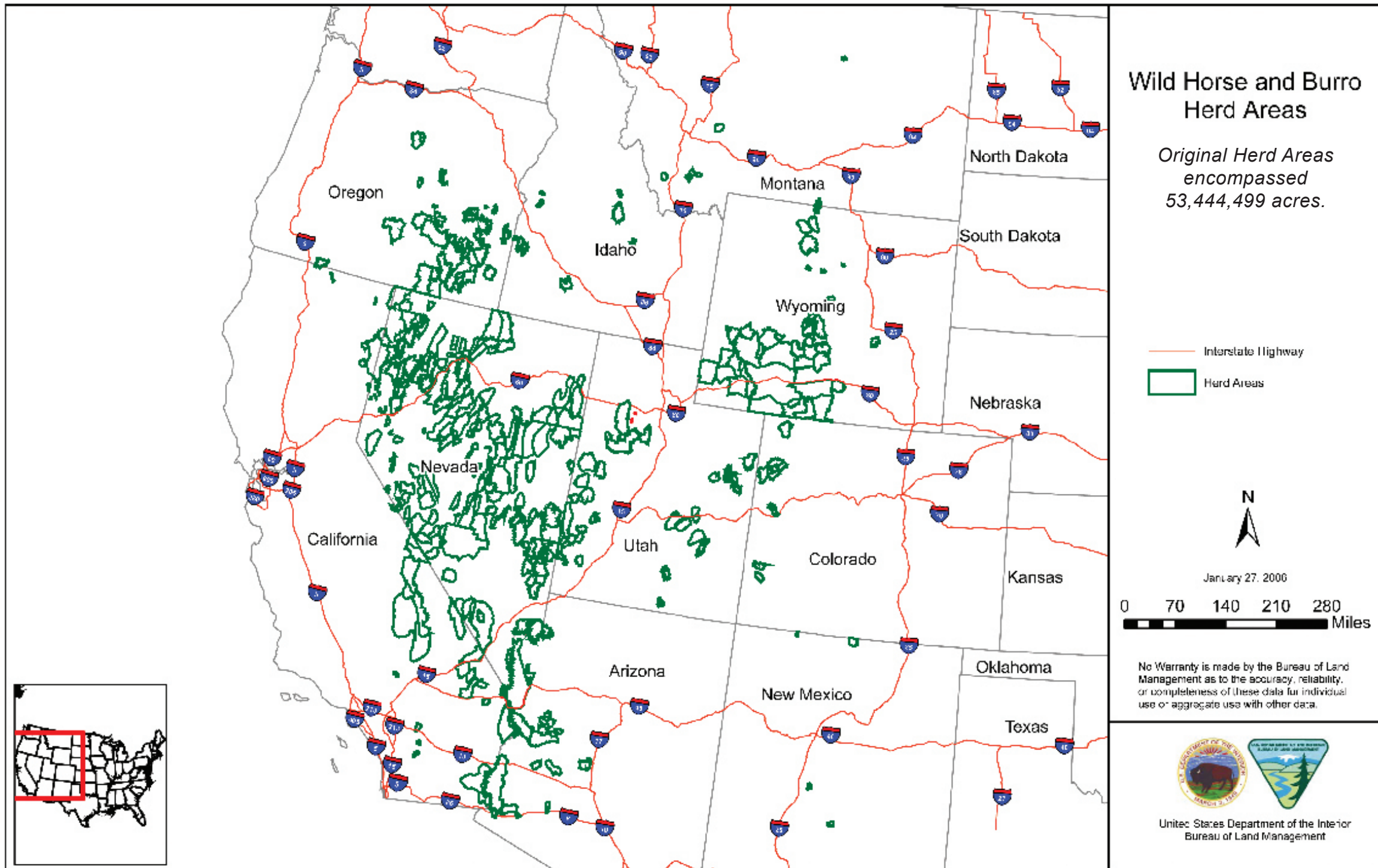


- 5) The boundaries of original HAs should be examined carefully to ensure that wild horse and burro seasonal migratory patterns as well as the habitat needs of self-sustaining populations are provided for;
- 6) The agency should evaluate the HAs where it has removed all wild horses or burros and plan for the eventual return or reintroduction of wild horses and burros into those areas;
- 7) Wild horses and burros (especially geldings), currently in privately contracted sanctuaries and incapable of reproducing (approximately one half of those animals in holding today), should be returned to the wild, thereby actualizing a huge cost-savings to taxpayers;
- 8) Fences and gates used to rotate livestock but which prohibit wild horses and burros from roaming freely within their historic herd areas should be removed;

- 9) The BLM should review its forage allocation process and eliminate inherent biases against wild horses and burros;
- 10) The agency should establish AMLs that ensure self-sustaining and genetically viable wild horse and burro herds;
- 11) The agency should take steps necessary to guarantee that adopted wild horses and burros are protected from commercial exploitation for the remainder of their lives. Persons selling horses and burros to slaughter should be prosecuted to the full extent of the law and banned from future adoptions as should those individuals found guilty of animal neglect or abuse;
- 12) Nominations and appointments to the National Wild Horse and Burro Advisory Board must be conducted independently. It must include competent individuals who are not biased against the very animals they are charged to protect;



- 13) The BLM should review which wild horse and burro herds offer good public viewing and interpretation opportunities and/or have unique and interesting characteristics for special designation as "ranges" as provided for in the WFHBA;
- 14) The agency must contract with independent scientific experts to conduct analyses of the historical and cultural significance of wild horses and burros in all of its planning documents and management decisions for the purpose of identifying those herds with historical and cultural significance for special designation as "ranges"; and
- 15) The BLM must conduct a candid review of its National Wild Horse and Burro Program and other land-management programs and policies with full public involvement in a timely fashion. In the interim, the agency must refrain from management actions that compromise the health, genetic viability and overall welfare of our nation's wild horses and burros.

Wild horse and burro advocates understand the BLM is in a difficult position in which it must appease a diverse group of interested parties. However, it should not do so at the expense of the very animals and the public lands it is charged with protecting or in violation of the laws with which it is obligated to comply. The BLM's record speaks for itself; what it says is dismal at best and damning at worst. Wild horses and burros—and the American citizenry—certainly deserve better. Congress should clarify the WFHBA and pass the American Horse Slaughter Prevention Act to ensure that these animals are never sold to slaughter or commercially exploited.



Wild Horse and Burro Herd Management Areas

Herd Management Areas today encompass 34,441,150 acres—a loss of 19,003,349 acres of habitat for wild horses and burros.

-  Interstate Highway
-  Herd Management Areas



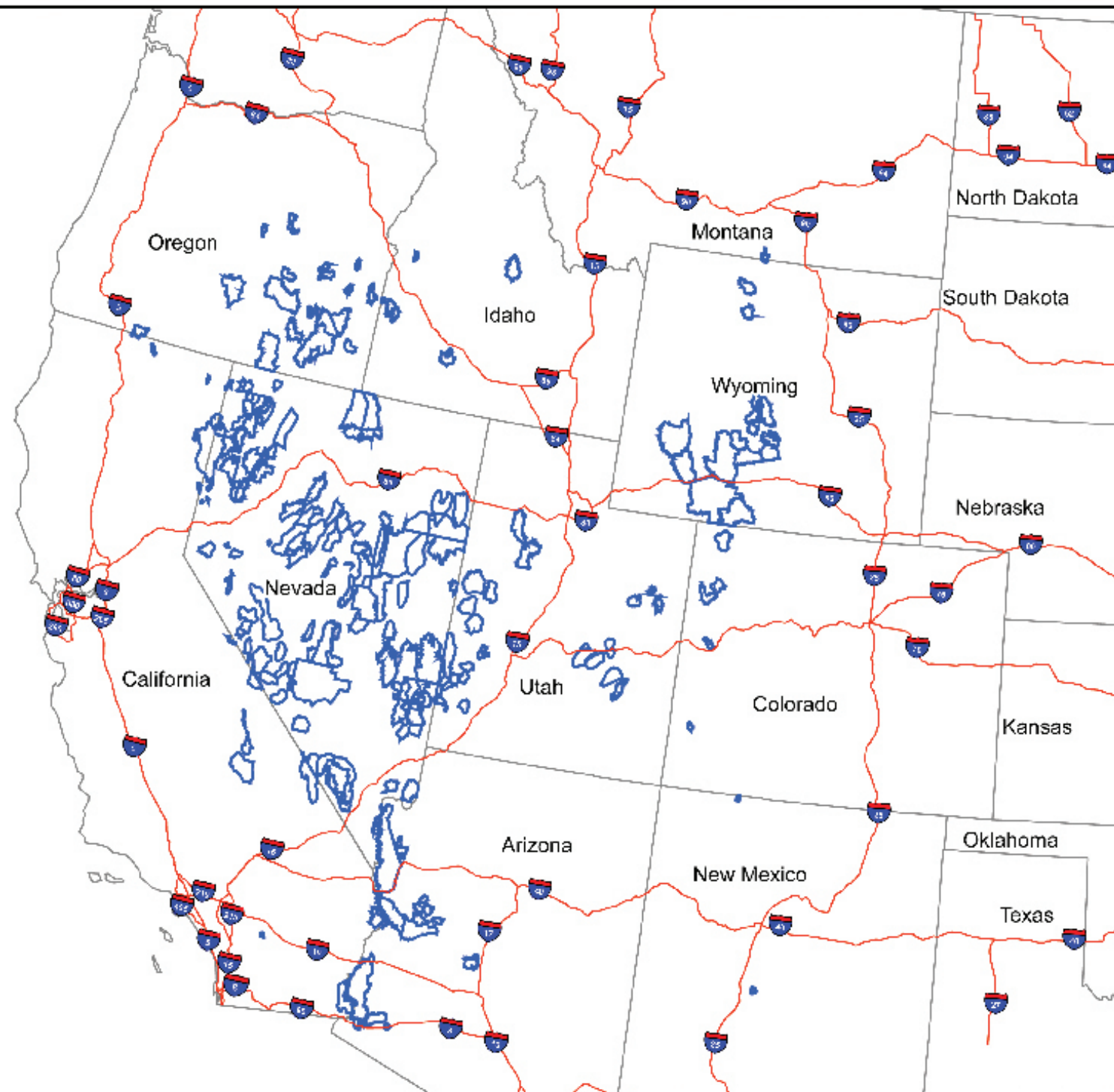
January 27, 2005

0 70 140 210 280 Miles

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COVER, TABLE OF CONTENTS, 1, 7, 9, 10, 11,
12, 15, 16, 17, 19, 21, 26, 27

BUREAU OF LAND MANAGEMENT
2, 18, 24

LIBRARY OF CONGRESS
4,5

AP/WORLD WIDE PHOTOS
6

HEIDI HEAPE
8, 14, 23

HOLLY HAZARD
25

HOPE RYDEN
28